

BOARD OF SELECTMEN Meeting
Tuesday, May 13, 2014

A meeting of the Board of Selectmen was held on Tuesday, May 13, 2014 at 6pm in Conference Room A at Town Hall. Present were four selectpersons, the Town Administrator and the Asst. to the Town Administrator; Selectperson Lucas was absent.

6:00 Meeting Called to Order

Executive Session – Anticipated Litigation: Selectperson Sheedy moved that the Board of Selectmen enter Executive Session under MGL Chapter 30A, §21(a) for Exception #3 to discuss strategy with respect to anticipated litigation, Selectperson Murphy seconded, Roll Call Vote: Chairperson Battistelli – aye, Selectperson Murphy – aye, Selectperson Sheedy – aye, Selectperson Wilkinson – aye.

Entering
Executive
Session
Motion
Approved

Chairperson Battistelli: “We are entering executive session because, by not doing so, it would be detrimental to the Town’s litigating position. We will reconvene in Open Session.”

7:00 Pledge of Allegiance and Moment of Silence

Election of Board Officers: Newly Elected Officials Swearing In: Board of Selectmen Reorganization: “Pursuant to Selectmen Policy 20-05, Selectperson Murphy nominated Selectperson Wilkinson as Chairperson of the Board of Selectmen, seconded by Selectperson Sheedy, Vote: 4-0.

Election of
Board Chair
Motion
Approved

E. Battistelli said she has enjoyed her time as Chairperson of the Board of Selectperson and has learned a lot; she said she is open to someone else taking over as Chair. Selectperson Wilkinson said E. Battistelli never takes the shortcut, she always goes out of her way to do the right thing and she has dealt with some very difficult issues. Selectperson Murphy said the work and effort that E. Battistelli put forward was extraordinary.

Election of
Board Vice
Chair
Motion
Approved

Selectperson Wilkinson nominated Selectperson Sheedy as Vice Chairperson of the Board of Selectmen, Selectperson Murphy seconded, Vote: 4-0.

Selectperson Murphy said he’d like to thank people for their support. He commented on the coverage that has been in the newspaper, and the fact that the Gloucester Times hasn’t attended the Board of Selectmen meetings on a regular basis. He said that some Letters to the Editor, and other things printed in the paper, are just not true. He believes that the Board of Selectmen needs to get something out there on a regular basis. He said the issue of the Selectmen receiving health insurance included some incorrect information on pensions; he said the Selectmen are not eligible for any pension; they are entitled, by the Commonwealth of Massachusetts, to enroll in the town’s health insurance plans because they receive a stipend. He said Assessor’s also receive health insurance. He suggests, moving forward, that more letters be sent to the editor, and perhaps a Facebook page to be sure correct information gets out there. He said he encourages people to call or contact the Board to be sure that what they’re hearing is accurate.

Selectperson Sheedy said the Mayor of Gloucester writes pieces in the paper, and Manchester officials write pieces in the paper, so perhaps this Board should take that on.

Finance Committee Interview for Reappointment: Selectperson Sheedy moved that the Board nominate Elizabeth Dailey as a member of the Finance Committee for a three year term to expire on May 1, 2017, Selectperson Murphy seconded, the vote will be at the next meeting. E. Dailey said she has lived in Rockport for 14 years, has three teenagers in school, and loves the town. She said she has more time now to contribute. Her background is an attorney, she handles real estate; she has a background in bankruptcy law; has a finance degree and works part time in Danvers. She stated that she has been to two Finance Committee meetings; there's going to be a learning curve and there's a lot of work to be done. She has found the group collegial.

Finance
Committee
Interview for
Reappointment
No vote taken.

Approval of Minutes of April 29, 2014: Selectperson Murphy moved that the Board of Selectmen approve the minutes of April 29, 2014, Selectperson Sheedy seconded, Vote: 4-0.

Approval of
4/29/14 Minutes
Motion
Approved

Selectmen Updates and Liaison Reports: Selectperson Murphy said he has been in contact with G. Falco from the Conservation Commission and has looked at the maps regarding the tool company regarding the proposed changes. He suggests that if there are significant changes, that we hold another public hearing. He said we need to look at the maps and speak to Gerry Falco. Selectperson Battistelli said it is her understanding that Ben Lynch is looking at the latest plans and that three options are possible. He can approve, deny, or say another public hearing should be held.

Selectmen
Updates and
Liaison Reports

Selectperson Battistelli said that there is an elementary school health fair at Addison Gilbert Hospital; this is the first time this is being held.

Selectperson Wilkinson said she has spoken to DPW Commissioner Chair J. Gardner regarding the on-line purchasing of stickers; it has taken up to three weeks for some residents to receive their stickers. She said that J. Gardner said it is likely that the vendor waited until they had a quantity of requests before they filled the requests.

Saturday is Motif #1 day, the 2013 Red Sox Trophy will be on display. The following day is EMS day. Memorial Day is coming up and the Town Administrator said anyone available to march should let the office know.

Public Comment
Period

Public Comment Period: Dory Tevan, 16 South Street spoke on Street Performer's licenses. She is the director of an art center and a street performer herself. She said what brands Rockport is its intimacy. She agrees that noise, safety and location should be reviewed. She said there should be no microphones, background music and no acoustics; the audience should have to be near the performer. She said she performs puppet shows. She said the current sites are unsafe and inhospitable. She doesn't believe performers should be allowed to perform at the end of Bearskin Neck because people go there to contemplate and look out at the ocean. No performing should be allowed at bus stops; people feel guilty that they're not giving money. She recommends the interaction at The Pewter Shop; she said this is an interesting site to consider because it's a 3-way intersection and it's intimate as well as the intersection of Bearskin Neck and Tuna Wharf, opposite The Country Store, towards the Fudge Shop. She recommends that a CORI check be required for those requesting street performer licenses. She agrees that these things should be re-evaluated to have more control and be more intimate.

T. Arsenian, 95 Granite Street, said he would like to speak regarding the sign permit for the Emerson Inn, the Millbrook Pond project, the Appointment Policy and the three properties. He stated that the final plans for the tool company have not been distributed to those who should look at them (Conservation Commission, Planning Board, Harbormasters, Harbor Advisory, and the Rights of Way Committee). He said the plans should be reviewed at a meeting with the same groups in attendance and get advice from the Chapter 91 expert at Kopelman and

Paige. He is asking for public hearings and for the maps to get out. Chairperson Wilkinson said that as items move to action items the public can discuss them, but that discussion items on the agenda are for the Selectmen to discuss. He said regarding the disposition of the properties, the property on Atlantic Avenue and Marmion Way will probably be sold; the one on High Street could be a multi-family and could be affordable housing. Selectperson Battistelli said that she disagrees with the notion that we receive information and hoard it, we don't. The state sends the same information to Gerry Falco, she said the information received in early April was sent to the Harbor Masters and G. Falco as well; we send the information to pertinent groups. We went to the DPW and had them make copies of the existing and the proposed plans.

Public
Comment
Period

Continued

James Lane, 4 Doctor's Run, said he is delighted to see the town with on-line capability for purchasing stickers; however he said the senior sticker is not an option when it is designated on-line. Selectperson Wilkinson said she will investigate this.

Aileen Morrissey, Main Street, was here to discuss the Millbrook Meadow. She has an attorney representing her; her attorney said she thought she had a problem, but it has been resolved. One resolution was that A. Morrissey will be on the Millbrook Meadow Committee.

Town Administrator's Report:

- M. Vieira said there is filming going on in Pigeon Cove for McDonalds, they are working with local fishermen and utilizing their boats for the shoot. A donation is being made to the fishermen; a police detail is required. The Town Administrator said this is a short shoot.
- M. Vieira said the Mass. Dept. of Transportation is sending down another Chapter 90 funding. Rockport has \$28,000 for road repair funds and the DPW is working on it.
- The new CommBuy system is the state's bid list in electronic format. It's a fully developed financial management system of its own. He said the heavy users will be M. Vieira, J. Parisi, T. Olson, M. Hitschler, and L. Sanders. He said something needs to be in place by July 1 or we won't be on the state's bid list. He said that this is a work in progress.
- We're working on our own Financial Management software over the next few months. The plan is to go live with the accounting part of the system by 7/1/14.
- Two positions, IS&T network position and the Town Accountant position, are open.

Town
Administrator's
Report

7:30 Action List

Year End Transfers: Selectperson Battistelli moved that the Board of Selectmen approve the Year End transfers as follows:

Action List:

Amount	From	To
\$1,000.00	Accounting Training/Development	Tax Possessed Land Purchase of Services
\$ 700.00	Accounting Training/Development	Police Officer Clothing Allowance
\$ 892.71	Personnel Board Merit Pool	Assessors Clerk Wages
\$ 447.29	Selectmen Travel & Meetings	Assessors Clerk Wages

Year End
Transfers
Motion
Approved

Selectperson Sheedy seconded, Vote: 4-0.

The Town Administrator explained that in May and June, with the approval of the Board of Selectmen and the Finance Committee, these types of transfers can be made between departments and between labor and expenses at the end of the fiscal year.

Action List:	<u>Sign Permit for Emerson Inn:</u> Selectperson Sheedy moved that the Board of Selectmen approve a sign permit for La Petite Spa of 1 Cathedral Avenue to be hung on the existing post at the corner of Granite Street and Cathedral Avenue under the Emerson Inn by The Sea sign, Selectperson Murphy seconded, Vote: 4-0.
(continued)	
Sign Permit for Emerson Inn Motion Approved	Marta Whitoff was here to explain the permit request. She said she is moving from Main Street to Emerson Avenue. T. Arsenian, 95 Granite St., questioned how many signs are hanging from the large sign on the post at the corner of Phillips and Granite. Selectperson Murphy said there are three. T. Arsenian said this is too much. He stated that the zoning by-law says that there shouldn't be signs except on the building. He questioned if the town receives any funds for these signs because this is town property. These requests first go to the Building Inspector, then to the Board of Selectmen. The Town Administrator said she will review this because it is off-premise.
Permission for Fireworks on Granite Pier Motion Approved	<u>Permission for Fireworks on Granite Pier:</u> Selectperson Murphy moved that the Board of Selectmen grant permission for a fireworks display at the end of Granite Pier on Saturday, August 9, 2014, Selectperson Sheedy seconded, Vote: 4-0. Tim Collins, 16B South Street, founder of Rockport Fireworks LLC was present to discuss this request. He said that 9:30 is the current time, however they've been asked to move that up by about one half of an hour. He said that he doesn't want to advertise this event because he doesn't want to overwhelm the town.
Permission for Fourth of July Events Motion Approved	<u>Permission for Fourth of July Events:</u> Selectperson Battistelli moved that the Board of Selectmen grant permission to the Rockport Firemen's Association to hold its annual Fourth of July activities, including its Bake Sale on June 21, 2014 and its Parade, Food Stand, Music, and Bonfire on July 4, 2014, Selectperson Murphy seconded, Vote: 4-0.
Permission for Firemen's Sunday Memorial Parade Motion Approved	<u>Permission for Firemen's Sunday Memorial Parade:</u> Selectperson Sheedy moved that the Board of Selectmen grant permission to the Rockport Firemen's Association to hold its annual Firemen's Sunday Memorial Parade on June 15, 2014, Selectperson Murphy seconded, Vote: 4-0.
Childhood Cancer Awareness Week Motion Approved	<u>Childhood Cancer Awareness Week:</u> Selectperson Murphy moved that the Board of Selectmen proclaim June 1, 2014 to June 7, 2014 as Childhood Cancer Awareness Week in Rockport, Selectperson Sheedy seconded, Vote: 4-0.
CATA Contract Motion Approved	<u>CATA Contract:</u> Selectperson Battistelli moved that the Board of Selectmen approve and sign a contract with CATA to provide Rockport shuttle services for the 2014 season, Selectperson Murphy seconded, Vote: 4-0. Selectperson Wilkinson recommended the sign be taller.
AFSCME General Unit Union Contract Motion Approved	<u>AFSCME General Unit Union Contract:</u> Selectperson Sheedy moved that the Board of Selectmen approve and sign the AFSCME General Unit Union Contract for the term of July 1, 2013 through June 30, 2016, Selectperson Murphy seconded, Vote: 4-0. The Town Administrator said there are six unions in town; four were up on 7/13/14. She said M. Vieira is the primary negotiator and does an incredible job. Three of the four have tentative agreements, pending the Board of Selectmen's approval, and one is still pending.
AFSCME Foremen & Supervisor's Union Contract Motion Approved	<u>AFSCME Foremen & Supervisors Union Contract:</u> Selectperson Murphy moved that the Board of Selectmen approve and sign the AFSCME Foremen and Supervisors Union Contract covering the term of July 1, 2013 through June 30, 2016, Selectperson Battistelli seconded, Vote: 4-0.
Granite Street/Beach Street Drainage easements No vote taken	<u>Granite Street/Beach Street Drainage Easements:</u> To accept and sign an easement from Gerard Boyle, Jr., and Julie Boyle, Trustees of 35 Granite Street Realty Trust and from Carole Judd, Trustee of 50 Beach Street Realty Trust, both granting the Town permanent easements to

construct and maintain storm water drains, conduits, and related structures in, on, and under portions of their properties as shown on the plan entitled “Easement Plan Assessors Map 18, Parcel 218A, 35 Granite Street Rockport, MA prepared by Gateway Consultants, Inc. and dated January 7, 2014. This was postponed to a subsequent meeting because Selectpersons Battistelli and Sheedy recused themselves. No vote taken.

Upper Main Street Sewer Easement: Selectperson Sheedy moved that the Board of Selectmen grant an easement to George Ramsden III and Janice Ramsden of 2 Phillips Avenue, a ten-foot wide easement on, over, and under certain portions of Town property located at 176 Upper Main Street to construct and maintain underground sewer conduits and appurtenances and to connect to the Town’s existing sewer line on Main Street, Selectperson Murphy seconded, Vote: 4-0.

Upper Main
Street Sewer
Easement
Motion
Approved

8:10 Selectmen Briefing

Millbrook Meadow/Pond Project Update: Shannon Mason, Vice Chair of the Millbrook Meadow Committee, 14 Granite Street and DPW Director J. Parisi were in attendance to answer any questions on the project. They said the project consultant is doing some preliminary work gathering data at the meadow and the pond and developing some schematic ideas. J. Parisi said some public visioning is coming up shortly where we can gather additional ideas from townspeople who love the park. A plan that resolves drainage, decisions on trees (landscaping will be addressed), the brook, channel and walls, bricks and mortar will be developed. Whether dredging is appropriate needs to be decided; sediment sampling has been conducted to see what some options are. It will move to permitting and construction. Selectperson Murphy said the stairs are in disarray; he strongly suggests dredging. J. Parisi said he just came from the CPC meeting where they discussed funding. The application is due in June and requires that funding from the town is in place. Article on FTM this year for a PARC grant, requires design and construction. S. Mason said the committee realized that they needed more troupes. To give the project longevity long into the future, she said they need a separate conservancy to aid in this process. The Rockport Meadow Conservancy will help steward the long term guidance of the site as well as the fund raising aspect. They entered into an agreement with the Essex County Community Foundation, to decide what form the conservancy should take. She said a 501 (c) (3) takes a long time and requires a lot of documentation. The Cape Ann Chamber recommended that they enter into a fund agreement where they provide the umbrella of a 501 (c) (3), they manage the funds; this allows the conservancy to take in tax free funds. Currently about twelve people have agreed to be on the conservancy board. The top three things are 1) formal structure, 2) officer positions, and 3) fund raising. There is a meeting next Wednesday night at 7pm in the Brenner Friend’s Room at the Library. T. Arsenian, 95 Granite Street, questioned if there were contaminants found in the sediment sampling. J. Parisi said that various levels of metals and contaminants were identified and are being analyzed. He said what about the Beautification Committee; there are proper procedures and permits for planting on town properties. Selectperson Murphy said this is just in the beginning stages and, of course, the proper procedures will be followed.

Selectmen
Briefing

Millbrook
Meadow/Pond
Project Update

8:20 Discussion Items

Street Performer Licenses: Chairperson Wilkinson read a letter delivered by Bonnie Barrish stating that she is a current Street Performer and hopes to continue. Selectperson Battistelli said when this was adopted the thought was it would enhance the downtown experience and, to a large extent, it has. Some performers stayed a very long time; hearing the same music for an extended period of time. It should not interfere with reasonable expectations for peace and quiet. It was Selectperson Battistelli’s preference to take a year off from issuing street performer licenses. It should remain something that most people are enjoying. Chairperson

Discussion
Items:

Street Performer
Licenses

Discussion Items: (continued) Street Performer Licenses

Wilkinson said the board has heard specific complaints. Selectperson Sheedy recommended looking at the regulations and tightening them up with regard to timing, location, and amplification. Selectperson Murphy inquired if a committee should be put in place to look at this with membership from Bearskin Neck, the Police Department, someone from downtown, someone from the schools, etc. to make some suggestions. Chairperson Wilkinson recommended we make some initial changes and then, going forward, see how things go. Currently it states that approved locations are the end of Bearskin Neck, the Island at Dock Square and other locations approved on a case-by-case basis. It is recommended that we limit performing to three hours maximum on two days that are not consecutive. These recommendations will be action items at the next meeting. It is recommended that the T-Wharf location be eliminated and replace with Tuna Wharf and intersection of North Road (Pewter Shop), Donovan's Corner and leave Dock Square and leave that other locations can be approved on a case-by-case basis.

Disposition of Three Properties

Disposition of Three Properties: There was a site visit to the three properties by the board members. Board members got a sense of the properties, but they couldn't deliberate because it wasn't a posted meeting. It was stated that Marmion Way and Atlantic Avenue would do well in an auction. Affordable housing should be explored for High Street; Chairperson Wilkinson recommended that Harborlight Partners be contacted. It was recommended that the board move forward with selling the two properties. The Town Administrator said she will get the details on the public process. This will be on the next meeting's agenda on the Action List.

Fireworks Concessions

Fireworks Concessions: The Town Administrator said she would like to designate assigned locations and the number of concessions; she said she will come up with a proposal and this will be an action item on a subsequent meeting agenda.

Appointment Policy #10-05

Appointment Policy # 10-05: Chairperson Wilkinson stated that reappointments currently don't require the two meetings for a vote. She said the goal of the two meeting process is to give the public an opportunity to participate and voice concerns. Also, however, we don't want to damage the quorum of a committee by delaying an appointment. It was recommended revising #5 of the policy to state that reappointments need to be nominated with at least a two week notice prior to the end of the term.

Other Business/Announcements

Other Business/Announcements: A parking/transportation workshop is scheduled for next Tuesday, May 20, 2014 and Wednesday night is a joint school committee and IS&T meeting.

9:30 Selectperson Murphy moved to adjourn, seconded by Selectperson Sheedy, Vote: 4-0.

Warrant Signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 5/22/14 in the amounts of \$490,376.69 and \$323,715.82 respectively.

AFSCME General Unit
AFSCME Foreman & Supervisors
Easement Ramsden, George and Janice
Easement Boyle, Gerrard and Julie
Easement Carole Judd
Blue Gate Meadow Park and Ride Facility, Seasonal Management
Childhood Cancer Awareness Week
Arnold Morton, Little Arts Cinema
Nektaria Gkiokas, Bearskin Neck Bistro, 32 Bearskin Neck
Tidal Edge Gallery, Outdoor Display Permit